

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO**

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| UNITED STATES OF AMERICA, |) | CASE NO. 1:09CR417 |
| |) | |
| PLAINTIFF |) | JUDGE PETER C. ECONOMUS |
| |) | |
| V. |) | |
| |) | |
| JOHN M. PHILLIPS, |) | |
| |) | ORDER |
| DEFENDANT. |) | |
| |) | |

This matter is before the Court upon Magistrate Judge George J. Limbert's Report and Recommendation that the Court ACCEPT Defendant John M. Phillips' ("Defendant") plea of guilty and enter a finding of guilty against Defendant. (Dkt. # 16).

On September 23, 2009, the government filed an Indictment against Defendant. (Dkt. # 1). On November 19, 2009, this Court issued an order assigning this case to Magistrate Judge Limbert for the purpose of receiving Defendant's guilty plea. (Dkt. # 12).

On November 24, 2009, a hearing was held in which Defendant entered a plea of guilty to Count 1 of the Indictment, being a felon in possession of a firearm, in violation of 18 U.S.C. § 922(g)(1). Magistrate Judge Limbert received Defendant's guilty plea and issued a Report and Recommendation ("R&R") recommending that this

Court accept the plea and enter a finding of guilty. (Dkt. # 16).

Neither party objected to the Magistrate Judge's R&R in the ten days after it was issued.

On *de novo* review of the record, the Magistrate Judge's R&R is adopted. The Defendant was found to be competent to enter a plea. The Defendant understood his constitutional rights. He is aware of the consequences of entering a plea. There is an adequate factual basis for the plea. The Court finds that the plea was entered knowingly, intelligently, and voluntarily. The Defendant's plea of guilty is approved.

Therefore, the Defendant is adjudged guilty of Count 1 of the Indictment, being a felon in possession of a firearm, in violation of 18 U.S.C. § 922(g)(1). The sentencing will be held on February 8, 2010, at 10:00 a.m.

IT IS SO ORDERED.

/s/ Peter C. Economus - December 15, 2009

PETER C. ECONOMUS

UNITED STATES DISTRICT JUDGE